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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
5 **OF THE STATE OF WASHINGTON**

6 IN RE COMPLIANCE  
7 WITH RCW 42.17

PDC CASE NO: #04-420

8 WASHINGTON STATE NURSES  
9 ASSOCIATION PAC

**FINAL ORDER IMPOSING FINE**

Respondent.

10 **INTRODUCTION**

11 The Washington State Public Disclosure Commission (Commission) conducted an  
12 enforcement hearing (adjudicative proceeding) under chapters 34.05 and 42.17 RCW and  
13 chapter 390-37 WAC on March 24, 2004 with respect to the above-encaptioned matter.  
14 The Commission convened the hearing at the Evergreen Plaza Building, Room 206, 711  
15 Capitol Way South, in Olympia, Washington. The Staff appeared through Philip E.  
16 Stutzman, Director of Compliance. Judith Huntington, president of the Washington State  
17 Nurses Association (WSNA), and Elizabeth Ford, Chief Counsel for the WSNA, appeared  
18 on behalf of the Respondent.  
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21 The Commission was provided a copy of the Report of Investigation dated March  
22 12, 2004, the Notice of Administrative Charges dated March 12, 2004, and a Stipulation of  
23 Facts, Violations and Penalty (Stipulation) of the parties dated March 23, 2004. The  
24 Stipulation of Facts, Violations and Penalty are attached, and incorporated by reference into  
25 this Order.  
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1 After due consideration of the Notice of Administrative Charges, the Stipulation of  
2 Facts, violations and Penalty, and oral argument by Staff and the Respondent, the  
3 Commission accepted the Stipulation. The Commission therefore makes the following  
4 findings and enters the following order.  
5

### 6 **FINDINGS**

7 Based upon the stipulated facts and violations in the Stipulation, the Commission  
8 enters the following findings.

9 1. The Commission finds that the Respondent committed multiple violations of  
10 RCW 42.17.080 and .090 by failing to timely file Monetary Contributions reports (PDC  
11 form C-3) for contributions received between January 1, 1999 and December 31, 2003  
12 totaling \$58,006;  
13

14 2. The Commission finds that the Respondent committed multiple violations of  
15 RCW 42.17.080 and .090 by failing to timely file Summary Full Report, Receipts and  
16 Expenditures reports (PDC form C-4) disclosing monetary contributions received and  
17 monetary expenditures made between January 1, 1999 and December 31, 2003, with  
18 monetary expenditures totaling \$41,781, including expenditures for contributions to  
19 candidates totaling \$9,575 and one independent expenditure benefiting a candidate totaling  
20 \$2,590.  
21

22 3. The Commission finds that the Respondent violated RCW 42.17.103 by  
23 failing to timely file a special report to the commission (PDC form C-6) within 24 hours of  
24 sponsoring political advertising that qualified as an independent expenditure, that was made  
25 within 21 days of the 2002 general election, and that cost \$1,000 or more.  
26

1 **ORDER**

2 The Commission also orders as follows:

- 3 1. That the Stipulation of Facts, Violations and Penalty is accepted;
- 4 2. That a total civil penalty of \$5,000 is assessed against the Respondent.
- 5 3. That \$2,500 of the penalty is suspended on the condition that the Respondent commits
- 6 no further violations of RCW 42.17 for a period of four years from the date of this order
- 7 as determined by the Full Commission.
- 8

9 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

10 Any party may ask the Commission to reconsider this final order. Parties must

11 place their requests for reconsideration in writing, include the specific grounds or reasons

12 for the request, and deliver the request to the Public Disclosure Commission Office within

13 **Twenty-One (21) business days** of the date that the Commission serves this order upon the

14 party. Grounds for reconsideration shall be limited to:

15

- 16 a) A request for review was deemed denied in accordance with WAC 390-37-144(4);
- 17 b) New facts or legal authorities that could not have been brought to the commission's
- 18 attention with reasonable diligence. If errors of fact are alleged, the requester must
- 19 identify the specific evidence in the prior proceeding on which the requester is
- 20 relying. If errors of law are alleged, the requester must identify the specific citation;
- 21 or
- 22 c) Significant typographical or ministerial errors in the order.
- 23

24 Pursuant to RCW 34.05.470, the Public Disclosure Commission is deemed to have

25 denied the petition for reconsideration if, within twenty (20) business days from the date

26 the petition is filed, the Commission does not either dispose of the petition or serve the

1 parties with written notice specifying the date by which it will act on the petition.  
2 Pursuant to RCW 34.05.470, the Respondent is not required to ask the Public  
3 Disclosure Commission to reconsider the final order before seeking judicial review by a  
4 superior court.  
5

### 6 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

7 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure  
8 Commission is subject to judicial review under the Administrative Procedures Act, chapter  
9 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW  
10 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston  
11 County or the petitioner's county of residence or principal place of business. The petition  
12 for judicial review must be served on the Public Disclosure Commission and any other  
13 parties within **30 days** of the date that the Public Disclosure Commission serves this final  
14 order on the parties.  
15

16 If reconsideration is properly sought, the petition for judicial review must be served  
17 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
18 Commission acts on the petition for reconsideration.  
19

### 20 **ENFORCEMENT OF FINAL ORDERS**

21 The Commission will seek to enforce this final order in superior court under RCW  
22 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid  
23 and no petition for judicial review has been filed under chapter 34.05 RCW. This action  
24 will be taken without further order by the Commission.  
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1 DATED THIS 30<sup>th</sup> day of March, 2004.

2 FOR THE COMMISSION:

3 /s/  
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5 \_\_\_\_\_  
6 VICKI RIPPIE, Executive Director

7 *Attachment:* Stipulation of Facts, Violations and Penalty Dated March 23, 2004

8 *MAILING DATE OF THIS ORDER:*  
9 3/30/04  
10 \_\_\_\_\_